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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,010	03/20/2001	Patrick Thomas O'Connor	P668D1	7443
24739	7590	04/06/2005	EXAMINER	
CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,010

Applicant(s)

O'CONNOR ET AL.

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 6, 2005 has been entered.
2. Claims 21-34 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 21-34 have been considered but are not persuasive.

In the arguments, applicant stated that DeLorme system does not enable the user to make appointment or reservation for services, does not connect to the participating providers in a manner to allow the user to make an appointment or reservation. Examiner respectfully disagrees. See DeLorme, column 50, lines 27-60 and figure 5D, ***the TRIPS user "pushes" an on-screen button as a first step in making reservations*** (e.g. dinner for two at the Palisades restaurant), the user enters the "date" and "time" desired for dinner, the user can additionally input "terms and conditions" for the desired reservation. The user executes or "books" the proposed reservation by pushing the "BOOK IT" button. ***The TRIPS technology communicates the reservation request and facilitates its acceptance, rejection or a counteroffer from***

Art Unit: 3628

the participating provider. Participating providers accept or confirm requested reservations by transmitting a reservation confirmation code. Therefore, DeLorme system does enable the user to make appointment or reservation for services and does connect to the participating providers in a manner to allow the user to make an appointment or reservation.

In conclusion, for the reason set forth above, examiner decides to maintain the previous rejection (also see details below) and make this Office action FINAL.

4. This is a RCE of applicant's earlier Application No. 09/814,010. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 21, 22, 27-29 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by DeLorme et al. (DeLorme hereinafter), U.S. Patent No. 5,948,040.

Regarding to claim 21: DeLorme discloses an Internet-enabled appointment and reservation service system (*e.g., see column 8, lines 1-3, "a TRIPS" connected to a computer through the Internet.*), comprising:

An Internet-connected appointment server executing a software suite (*e.g., see column 8, lines 1-3, "a TRIPS online facility" connected to a computer through the Internet.*); and

One or more subscribing businesses to the service system (*e.g., see column 14, lines 19-32, "hosts of participating restaurants, hotels, retail shops..."*);

Wherein the software suite displays an interactive interface showing geographical regions to a browsing person (*e.g., the Geographic Subsystems pictured at 221 in FIG.2, at 417 in FIG. 4 and the map display interface 152. Column 48, lines 5-19*), upon selection of a geographic region by the person, displays a plurality of business types (*e.g., see FIG. 5 and column 48, lines 47-50, "e.g. 'EAT', 'FUN',*

'HOTEL', 'CAMP' and 'POLICE'), and upon selection of a business types, displays specific businesses of the selected type (e.g., see column 5, lines 59-62, "multimedia previews could be focused at the user's option, for example, just on Hotel type POIs, only on Restaurants").

Regarding to claims 22 and 29: DeLorme further discloses the system wherein after selection of a specific business, the server displays an interface for making an appointment with the selected business (e.g., see FIG 5D and column 50, lines 27-35).

Regarding to claims 27 and 34: DeLorme further discloses the use of a pagerfacility (e.g., column 75, line 41)

Regarding to claim 28: DeLorme discloses a method comprising:

(a) displaying, by an Internet-connected appointment server, an interactive interface showing geographic regions to browsing person (e.g., see column 8, lines 1-3; column 12, lines 1-6; and column 13, lines 30-34);

(b) upon selection by the person of a region, displaying a plurality of business types within the selected region (e.g., see column 19, lines 22-31; column 48, lines 5-67); and

(c) upon selection of a business type, displaying specific businesses of the selected type (e.g., see from column 49, lines 55 to column 50, line 26)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3628

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in view of the disclosed prior art (see the specification page 2, lines 1-5).

Regarding to claims 23 and 30: DeLorme discloses the system as stated supra except for explicit disclosure of a receiving apparatus at individual one of the subscribing businesses comprising an Internet-capable personal computer with a video display unit (PC/VDU). However, DeLorme discloses the desirability of interactive communications between users and service providers (*e.g., see column 13, lines 48-58 and column 50, lines 45-52*). Further, as stated by applicant (*the specification page 2, lines 1-5*), it is well known in the art to use an internet-capable personal computer for scheduling and tracking appointments. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of DeLorme by adopting the teaching of the disclosed prior art to facilitate the interactive communication between the users and service providers. Still further, it is common practice in the art to use a personal computer with a video display unit to further facilitate the interactive communications between the users and service providers.

9. Claims 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in view of the disclosed prior art as applied to claims 23 and 30 above, and further in view of Cumming, Jr. et al. (Cummings hereinafter), U.S. Patent No. 6,345,260 B1.

Regarding to claims 24 and 31: Neither DeLorme nor the disclosed prior art explicitly teaches that the PC/VDU executes software providing periodic connection to the appointment server, downloading of updated versions of an appointment schedule during the period connection, and display of the appointment schedule on the video display unit. However, DeLorme discloses that the users can add or alter appointments (*e.g., see column 52, lines 50-55 and column 55, lines 15-19*). Further, Cummings discloses the periodic update of appointments (*e.g., see column 9, lines 60-67*). Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Delorme and the disclosed prior art by adopting the teaching of Cummings to better serve the customers while maximizing the profit by utilizing every available income source, *i.e., available tickets for performances, flights or cultural events or tables for restaurants.*

10. Claims 25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in view of Lousig-Nont ("TOP 10 EXCUSES FOR IGNORING THE INTERNET", George M. Lousig-Nont, USA TODAY, Jan 1997, pp 58-59).

Regarding to claims 25 and 32: DeLorme discloses the system as stated *supra* including the use of multimedia (*e.g., see column 21, lines 58-63*) except for individual ones of the specific business displays including advertising material. However, Louig-Nont discloses the use of the Internet for advertising as the most cost-effective marketing method. Hence, it would have been obvious to one of ordinary skill in the art to modify the system of DeLorme by adopting the teaching of Lousig-Nont to employ the most cost-effective marketing method.

Art Unit: 3628

11. Claims 26 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in view of Lousig-Nont as applied to claims 25 and 32 above, and further in view of SOFTWARE (Tulsa World, Feb 6, 1999, pg. 8).

Regarding to claims 26 and 33: Neither DeLorme nor Lousig-Nont explicitly discloses that the advertising material presents a hyperlink to a direction service for aiding client in locating the business. However, SOFTWARE discloses a hyperlink to a store's own home page to retrieve directions to the location. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of DeLorme and Lousig-Nont by adopting the teaching of SOFTWARE to better serve the customers.

Conclusion

12. Claims 21-34 are rejected.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

14. Any response to this action should be mailed to:

Art Unit: 3628

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(703) 872-9326 (for formal communication intended for entry),

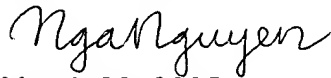
or

(703) 308-3691 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



March 28, 2005